

THE PATENT OFFICE OF THE STATE INTELLECTUAL PROPERTY OFFICE
OF THE PEOPLE'S REPUBLIC OF CHINA

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Shanghai Patent & Trademark Law Office	Date of Dispatch April 11, 2003
Application No.: 00800154.5	Applicant: KABUSHIKI KAISHA TOSHIBA
Application Date: February 15, 2000	Agent:
Title: CATHODE-RAY TUBE	

THE FIRST OFFICE ACTION
(PCT APPLICATION IN THE NATIONAL PHASE)

- According to the Request for Substantive Examination raised by the applicant and based on the provision of Item 1, Article 35 of the Patent Law, the Examiner has proceeded with the Examination as to Substance on the above mentioned application for patent for invention.
 According to Item 2, Article 35 of the Chinese Patent Law, the Patent Office has decided to examine the above application for patent for invention.
- The applicant has requested that the filling date of Feb 15, 1999 at the JP Patent Office as the priority date, Jan 24, 2000 at the JP Patent Office as the priority date, _____ at the _____ Patent Office as the priority date,
- The following amended documents submitted by the applicant cannot be accepted for not conforming to the provision of Article 33 of the Patent Law:
 - The Chinese version of the attachment of the International Preliminary Examination Report.
 - The Chinese version of the amended document submitted according to the provision of Rule 19 of the Patent Cooperation Treaty.
 - The amended document submitted according to the provision of Rule 28 or Rule 41 of the Patent Cooperation Treaty.
 - The amended document submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law.Refer to the text of the notice for the specific reason of non-acceptance thereof.
- The examination is conducted by directing at the Chinese version of the original International Application submitted.
 The examination is conducted by directing at the following application documents:
 - Description,
 - p. _____, the Chinese version of the original International Application Document submitted;
 - p. _____, the Chinese version of the attachment of the International Preliminary Examination Report;
 - p. _____, the amended document submitted according to the provision of Rule 28 or Rule 41 of the Patent Cooperation Treaty.

p. _____, the amended document submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law.

Claims,

_____, the Chinese version of the original International Application Document submitted.

_____, the Chinese version of the amended document submitted according to the provision of Rule 19 of the Patent Cooperation Treaty.

_____, the Chinese version of the attachment of the International Preliminary Report.

_____, the amended document submitted according to the provision of Rule 28 or Rule 41 of the Patent Cooperation Treaty.

_____, the amended document submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law.

Attached Drawings,

p. _____, the Chinese version of the original International Application Document submitted.

p. _____, the Chinese version of the attachment of the International Preliminary Examination Report.

p. _____, the amended document submitted according to the provision of Rule 28 or Rule 41 of the Patent Cooperation Treaty.

p. _____, the amended document submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law.

5. This Notice cites the following Comparison Document(the number of which shall continue to be used in the subsequent examination proceedings):

Filed 19-01 {

No.	Number/Title of Document	Date of Publication (or the filing date of the conflicting Application)
1	JP60-175348A	Sep 9, 1985
2	US4168010A	Sep 18, 1979
3	US4121257A	Oct 17, 1978
4		

6. The conclusive opinion drawn from the examination:

As regards the Specification:

The contents of the application fall under the scope stipulated by Article 5 of the Patent Law for which no patent right should be granted.

The specification does not conform with the provision of Item 3, Article 26 of the Patent Law.

The drafting of the specification does not conform with the provision of Rule 18 of the Implementing Regulations.

As regards the Claims:

Claim 1 does not possess the novelty as stipulated in Item 2, Article 22 of the Patent Law.

Claim _____ does not possess the inventiveness as stipulated in Item 3, Article 22 of the Patent Law.

Claim _____ does not possess the practical applicability as stipulated in Item 4, Article 22 of the Patent Law.

Claim _____ falls under the scope of Article 25 of the Patent Law where no patent right is to be granted.

Claim _____ does not conform with the provision of Item 4, Article 26 of the Patent Law.

Claim 2, 5, 6, 8 does not conform with the provision of Item 1, Article 31 of the Patent Law.
 Claim _____ does not conform with the provision of Item 1, Rule 13 of the Implementing Regulations of the Patent Law.
 Claim _____ does not conform with the provision of Rule 18 of the Implementing Regulations of the Patent Law.
 Claim _____ does not conform with the provisions of Rules 20 to 23 of the Implementing Regulations of the Patent Law.

Refer to the text of this Notice for the specific analyses of the conclusive opinion.

7. Based on the above conclusive opinion, the Examiner deems that:

The applicant shall amend the application documents in accordance with the requirements raised in the text of the Notice.
 The applicant shall discuss in his observations reasons why this application for patent can be granted a patent right, and amend the portions indicated in the text of the Notice which have been deemed as not conforming with the provisions, or no patent right shall be granted.
 There are no substantive contents in the application for patent that can be granted a patent right. If the applicant does not present reasons or the reasons presented are not sufficient, the application shall be rejected.

8. The applicant is asked to note the following items:

- (1) According to the provision of Article 37 of the Patent Law, the applicant shall submit his observations within **four months** from the receipt of this Notice. Where, without justified reasons, the applicant does not respond at the expiration of said date, the application shall be deemed to have been withdrawn.
- (2) The applicant shall amend his application according to Article 33 of the Patent Law. The amended documents shall be in duplicate, and the form, in conformity with the relevant provisions in the Examination Guide.
- (3) The applicant and/or his agent can not, without first making an appointment, go to the Patent Office to have an interview with the Examiner.
- (4) The observations and/or the amended documents shall be mailed or delivered to the Department of Receipt, the Patent Office of the State Intellectual Property Office. No documents shall possess legal effects if not mailed or delivered to the Department of Receipt.

9. The text of this Notice totals 1 page(s), and includes the following attachment(s):

duplicate copy(ies) of cited comparison document(s), altogether 3 copy(ies) 8 pages.

Examination Department: _____ Examiner(Seal):

REC'D

TEXT OF THE FIRST OFFICE ACTION

The present application relates to a cathode-ray tube having a reinforcing band for improvement of implosion-proof characteristics. After examination, the office action is as follows:

Claim 1 claims a cathode-ray tube. Comparison document 1 also discloses a cathode-ray tube comprising a vacuum envelope including a panel (IP) which has a substantially rectangular effective portion having a substantially flat outer surface and having a phosphor screen (2) formed on an inner surface and which has a skirt portion (IPS) provided along a peripheral part of the effective portion and extending substantially perpendicular to the effective portion, and a funnel bonded to the skirt portion. An electron gun arranged in a neck of the funnel is for emitting electron beams onto the phosphor screen. A reinforcing band (3) attached round an outer surface of the panel is for fastening the skirt portion. And the reinforcing band is attached to the skirt portion at a position closer to an outer surface side of the effective portion than to a central portion of the skirt portion, in a direction of tube axis of the vacuum envelope. (See Comparison document 1, Figs. 1-4). As can be seen that all the technical features claimed in claim 1 has been disclosed by the technical solution of

Comparison document 1, and the same technical effects can be obtained. Therefore, the technical solution claimed in claim 1 does not conform to the provision on novelty of Item 2, Article 22 of the Patent Law.

In addition, Comparison document 2 (See lines 16-18 column 7, Fig. 9) and Comparison document 3 (See lines 6-29 column 4, Figs. 2-3) also can exert an influence on novelty of claim 1, respectively.

The reasons why claim 1 can not be accepted are explained above. In the case that claim 1 can not be accepted, independent claims 2, 5, 6, and 8, and independent claims 2 and 5 do not belong to a single general inventive concept. They are not technically interrelated nor contain one or more of the same or corresponding special technical features. Thus, they do not possess unity, which does not conform to the provision of Article 31 of the Patent Law.

The applicant should file a response within the deadline specified in the Office Action, answer the questions pointed out by the examiner, and amend the application documents as necessary. Otherwise, it will be impossible for the present application to be granted a patent right. Please note that the amendments to the application documents should conform to the provision of Article 33 of the Patent Law, that is, the amendments can

not go beyond the scope of disclosure of the initial Specification and Claims.



中华人民共和国国家知识产权局

邮政编码: 200233

上海市桂平路 435 号

上海专利商标事务所

李湘

申请号: 00800154.5

发文日期:



申请人: 东芝株式会社

发明名称: 阴极射线管

第一次审查意见通知书

(进入国家阶段的 PCT 申请)

1. 应申请人提出的实审请求, 根据专利法第 35 条第 1 款的规定, 国家知识产权局对上述发明专利申请进行实质审查。

2. 根据专利法第 35 条第 2 款的规定, 国家知识产权局专利局决定自行对上述发明专利申请进行审查。
 申请人要求以其在:

日本 专利局的申请日 1999 年 2 月 15 日为优先权日,
日本 专利局的申请日 2000 年 1 月 24 日为优先权日,
日本 专利局的申请日 _____ 年 _____ 月 _____ 日为优先权日。

3. 申请人于 _____ 年 _____ 月 _____ 日提交的修改文件, 不符合专利法实施细则第 51 条的规定。

申请人提交的下列修改文件不符合专利法第 33 条的规定。

国际初步审查报告附件的中文译文。
 依据专利合作条约第 19 条规定所提交的修改文件的中文译文。
 依据专利合作条约第 28 条或 41 条规定所提交的修改文件。

4. 审查是针对原始提交的国际申请的中文译文进行的。

审查是针对下述申请文件进行的:

说明书 第 _____ 页, 按照原始提交的国际申请文件的中文译文;
第 _____ 页, 按照国际初步审查报告附件的中文译文;
第 _____ 页, 按照依据专利合作条约第 28 条或 41 条规定所提交的修改文件;
第 _____ 页, 按照依据专利法实施细则第 51 条规定所提交的修改文件。

权利要求 第 _____ 项, 按照原始提交的国际申请文件的中文译文;
第 _____ 项, 按照依据专利合作条约第 19 条规定所提交的修改文件的中文译文。

第 _____ 项, 按照国际初步审查报告附件的中文译文;
第 _____ 项, 按照依据专利合作条约第 28 条或 41 条所提交的修改文件;
第 _____ 项, 按照依据专利法实施细则第 51 条规定所提交的修改文件。

附图 第 _____ 页, 按照原始提出的国际申请文件的中文译文;
第 _____ 页, 按照国际初步审查报告附件的中文译文;
第 _____ 页, 按照依据专利合作条约第 28 条或 41 条所提交的修改文件;
第 _____ 页, 按照依据专利法实施细则第 51 条规定所提交的修改文件。

本通知书引用下述对比文献 (其编号在今后的审查过程中继续沿用):



第一次审查意见通知书正文

该申请涉及一种具有用于提高防爆特性的增强带的阴极射线管, 经审查, 现提供如下审查意见:

权利要求 1 请求保护一种阴极射线管, 对比文件 1 也披露了一种阴极射线管, 具有真空封壳, 该封壳包含管屏 (1P) 和锥状管体, 所述管屏具有外表面大致平坦且内表面形成荧光屏 (2) 的大致矩形的有效部分, 以及沿所述有效部分外围配置且大致垂直该部份延伸的边裙部分 (1PS), 所述锥状管体连接该边裙部分, 安排在所述锥状管体颈部的电子枪, 用于发射电子束到荧光屏上, 绕所述管屏外表面扎箍的增强带 (3), 用于箍紧边裙部分, 并且, 对所述真空封壳管轴的方向, 与靠近所述边裙部分相比, 在更靠近所述有效部分外表面的位置, 将所述增强带扎箍到所述边裙部分 (参见说明书摘要及附图 1 至 4)。由此可见, 该权利要求限定的技术特征已在对比文件 1 中全部披露, 且该权利要求请求保护的技术方案与该对比文件所公开的技术方案属于同一技术领域, 并能产生相同的技术效果, 因此该权利要求所要求保护的技术方案不具备专利法第 22 条第 2 款所规定的新颖性。

另外, 对比文件 2 (参见其说明书第 7 栏第 16 行至 18 行, 附图 9) 和对比文件 3 (参见其说明书第 4 栏第 6 行至 29 行, 附图 2、3) 也能单独影响权利要求 1 的新颖性。

上面已经论述了独立权利要求 1 不能成立的理由。当权利要求 1 不能成立时, 独立权利要求 2、5、6 和 8 之间, 以及独立权利要求 2 和 5 之间不再属于一个总的发明构思, 技术无相互关联, 没有相同或者相应的特定技术特征, 不具备单一性, 因此不符合专利法第 31 条的规定。

申请人应当在本通知书指定的答复期限内作出答复, 对本通知书提出的问题逐一进行答复, 必要时应修改专利申请文件, 否则本申请将难以获得批准。申请人对申请文件的修改应当符合专利法第 33 条的规定, 不得超出原说明书和权利要求书记载的范围。